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Town of North Reading
Massachusetts

Community Planning

TOWN CLERK
NORTH READING, MA

MINUTES

Tuesday, September 29, 2015

Mr. William Bellavance, Vice Chairperson called the Tuesday, September 29, 2015 meeting of the Community Planning Commission to order at 6.34p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: William Bellavance, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce

STAFF

PRESENT: Danielle McKnight, Planning Administrator

OTHERS

PRESENT: Attorney Jeff Blake, Kopelman & Paige

Mr. Bellavance informed all present that the meeting is being recorded.

Minutes

The consensus of the board was to pass over the August 25, 2015 Executive Session minutes.

Mrs. Romeo moved, seconded by Mr. Pearce and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to accept the minutes of September 15, 2015 as amended.

Zoning Map Amendment – Public Hearing 6:30pm

Mr. Pearce moved, seconded by Mrs. Romeo and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to waive the reading of the public hearing notice.

Mrs. McKnight stated that there have been a number of zoning map amendments over the years and the Town Clerk pointed out to her that there is a reference in the zoning bylaw and the text of the bylaw refers to the map being dated 2002. So they are just going to keep the map date consistent with the changes that have been made since 2002 and update the bylaw to note that the new date will be June 1, 2015.

No one from the public wished to comment. Mr. Bellavance closed the public hearing.

Mrs. Romeo moved, seconded by Mr. Pearce and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to refer the proposed change to the North Reading Zoning Bylaw §200-30 zoning map as printed in the warrant to Town Meeting.

303 Main Street/Great American Tavern – minor modification

Charles Mulik stated that he is one of the owners of the Great American Tavern and is also a resident of North Reading. His proposal is to put some awnings up on the front of the building with signage. They will be taking down some of the existing signs which is more square footage than they are asking to put up. He submitted renderings to the board.

Mr. Pearce asked if the building inspector was shown this rendering and if so, was he okay with it.

Charles Mulik stated that he was shown the picture and had no issues with it.

Mr. Pearce stated that for the record this was difficult right from day one to decide if this was a building that was actually in operation. He had suggested putting a couple of park benches on either side of the door to make it look lived in.

Charles Mulik stated that the problem with that is that the building sits down from the road and people would probably not be able to see the benches.

Mrs. Romeo stated that she would suggest putting the same black shutters that are on the sides of the windows around the doors.

Charles Mulik stated that he is limited to what he can do because he does not own the building.

Mrs. Romeo asked if the American flags go across the entire roof.

Charles Mulik stated that it is only two-thirds of the building.

Mrs. Romeo stated that she believes a big flag pole with one big flag would be better. The proliferation of smaller flags along the roof line echo what another business had been trying to do with the flutter flags on Main Street because there are bylaws against that type of advertising.

Charles Mulik stated that he will pass this along to the owner of the building.

Mr. Bellavance asked how the sign is going to be lit.

Charles Mulik stated that the does not have any lights proposed.

Mrs. Romeo moved, seconded by Mr. Pearce and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to approve the requested minor modification of the signage for the Great American Tavern, 303 Main Street as shown on the submitted rendering.

20 Maple Road – Definitive Subdivision – cont. Public Hearing 6:45pm

Mr. Bellavance informed all present that the meeting is being recorded.

Attorney Brad Latham stated that the hearing was continued so the town planner could confirm the town would be able to prep the road surface for the pavement that was offered by Bill Smith. He would like to discuss the draft decision that he received today from the town planner.

Mrs. McKnight stated that she has been told the town will prep the roadway.

Mr. Bellavance read a portion of the Town Planner's memo dated 9/29/2015. "The town will be prepping, grading and providing drainage structure at the bottom of the street."

Attorney Latham stated that he realizes that this is probably a standard type of decision, except they have different circumstances here and as a consequence he is going to ask that certain provisions be deleted as not being necessary or appropriate.

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| • Paragraph 3.a | remove approved septic plan | GRANTED |
| • Paragraph 3.c. | remove approval for water supply | GRANTED |
| • Paragraph g. | remove Certificate of Compliance | GRANTED |
| • Paragraph j. | recording plans to a Certificate of Action by the applicant | MODIFIED |
| • Paragraph 4.a | endorsement of plan, but not be recordable. | MODIFIED |

Bill Smith stated that they are not doing any construction or improvements to the road. He offered to pave the top of the road that is being constructed by the Town of North Reading and what the board is trying to do is tie this into subdivision control. He asked the building inspector, Jim DeCola if he filed under Chapter 40A, section 6 of the Commonwealth of Massachusetts law and under Article 4, section 200.A of the North Reading Zoning Bylaws for a building permit, and if in fact they did, they comply under both those regulations. He says he is exempt under Chapter 41, section 81ff.

James DeCola stated that Town Counsel has made the decision that it comes under Subdivision Control Law.

Bill Smith asked how Town Counsel can make that decision. Town Counsel told the board that he is legally under Chapter 40A, everyone in this room knows that he is under Chapter 40A. He was told to come in with a simple plan with the layout of the road. The planner told him that the town engineer and board were all set with the plan.

Mrs. McKnight stated that this is the approval for the plan that was submitted.

Bill Smith stated that if there was a simple agreement he would not have received this approval that is going to costs him money.

Mrs. McKnight stated that this is a standard subdivision decision.

Bill Smith stated that this does not fall under subdivision control. It is a single lot exemption.

Attorney Latham stated that what he was trying to do and he realizes that there is difference of opinions of what is applicable and what isn't. They were trying to find a mechanism that would give a level of review by the town, so that it would feel comfortable that some improvements were being made to access to the site. He and Attorney Jeff Blake have gone back and forth on different cases, what they believe professionally and do have differences of opinion, but they are trying to get to an end game. What is upsetting to Mr. Smith is the complexity of the decision. They realize that some of these items are standard when dealing with a five, ten or forty lot subdivision, this all makes sense. But in these circumstances a lot of these are surplus issues.

Mr. Bellavance stated that he understands and that is why the board is here to listen to them.

Attorney Latham stated that they do not see the need for any documents to be prepared or three prints of revised plans.

Mr. Bellavance stated that he would like to keep that in, just in case there is a revised plan.

Attorney Jeff Blake stated that they could put the preference "if a revision is required".

Attorney Latham asked what would trigger a revision.

Attorney Blake stated that something that is a different proposal.

Attorney Latham stated he would be fine with it stating "if the applicant wishes to change the plan which he submitted to the board".

Mr. Pearce stated that there are any number of possibilities that you could run into, minor though they might be. Because when you look at the roadway as it is laid out on the ground and look at the plans that show that roadway, what's on the ground does not actually match, as near as they can tell, what's on the plan. So, the possibility of running into an issue with a landowner that says that the road is three feet over.

Bill Smith asked why he would be doing the revision. He is not paying the expenses. The town has agreed to fix the road. The town can make it as wide, high or low as they want. He is not required to do it under the law. Attorney Jeff Blake even stated that he cannot change the height, width or thickness of the road and the town has already said that they would do that.

Attorney Blake stated that is opinion was that you cannot change the bounds of the road under the case law that he has sighted.

Attorney Latham stated that if the board is willing to strike the initial clause "when complying with the CPC's conditional approval decision" and the words were substituted "if the applicant wishes to change the plan submitted, then the applicant shall submit three prints."

Mrs. McKnight noted the change.

Attorney Latham stated that 5a. This development is not being phased, so they would ask that this be struck from the condition. A pre-construction meeting would be held with the DPW director, but he does not believe that all of the others are warranted. Prior to any paving activity in the roadway the applicant shall coordinate with the appropriate town official.

Attorney Blake stated that this is not saying that every one of those people need to attend the pre-construction meeting, but they will be notified and when the applicant is ready to do the construction he will meet with them. If you want to call it the appropriate town officials, that is fine.

Attorney Latham stated that he does not believe that a written construction schedule is needed.

Mrs. McKnight stated that this could be an email to her saying that the applicant plans to start construction on this date and finish by this date.

Attorney Latham stated that he does not believe the roadway needs to be blocked off, certainly there is no problem giving the police department notice, but "no trespassing". He does not believe that this needs to be there.

Attorney Blake stated that this is for the building site.

Attorney Latham stated that he asked the building inspector whether this normally imposed on a single lot.

Jim DeCola stated that there are residents that live on this road and it cannot be blocked. There needs to be access for the police and fire departments. The road construction needs to be done in phases so that they can get down there.

Bill Smith stated that he knows that the road needs to be done in phases and cannot be blocked.

Attorney Blake stated that if the board wishes to waive it they can.

Attorney Latham asked that it be waived.

Mr. Bellavance stated that he would like to have something in the condition stating that the proper authorities will be notified.

Mr. Pearce stated that some of these things have no bearing on the project, so whether you take them out or leave it in.

Attorney Latham stated that roadway cleaning and sweeping is not applicable.

Attorney Blake stated that this can be removed.

Attorney Latham stated that the town does currently plow the roadway and this suggests that this means the town will stop plowing it.

Mrs. McKnight stated she will remove this from the condition since this is not the intent.

Attorney Latham stated that his last request is that they not charge a fee for the waivers.

Bill Smith stated that his only other issue is that it states the plan is entitled "Subdivision Plan", but should be "Roadway Paving Plan".

Mrs. McKnight will make this change.

Chris Albano of 21 Maple road asked if a water main was going to be constructed.

Mr. Bellavance stated no. Bill Smith will be supplying a two-inch water service to his home.

Todd Ferrazzani of 36 Maple Road asked will the road be paved at an 18'w or 12'w.

Mr. Bellavance stated that the existing road is what will be paved.

Bill Smith stated that they are going to try to pave 18', if possible.

Mrs. McKnight stated that if easements were given the town would be willing to widen the road, but as it stands it will be what it is today.

Bill Smith stated that he spoke to Todd Ferrazzani and they both agreed that it would make more sense to run an 8" water main down Maple Road, which is required by the State, but if a waiver could be given to change the water main to 6", and then there could be fire hydrants placed on the road. If the town was willing to take some of the money from the Chapter 90 funding program to supply the materials, he and Todd would take half and this would give the residents town water.

Mrs. McKnight stated that the town engineer did request that the type of mix be changed to reflect 3" of modified base and be shown on the plan.

Mr. Bellavance closed the public hearing.

Mr. Pearce moved, seconded by Mrs. Romeo and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to approve the waivers as listed in the Conditional Approval.

Mrs. Romeo moved, seconded by Mr. Pearce and voted 3-0: (Mr. Hayden & Mr. Veno absent)

that the Community Planning Commission vote to approve the plan entitled, "Roadway Paving Plan, Maple Road, North Reading, Massachusetts"; dated 9/3/2015; drawn by LJR Engineering. Subject to the terms and conditions of the Certificate of Conditional Approval dated 9/29/2015 as amended this evening.

Planning Administrator Update

J.T. Berry Property

Mrs. McKnight stated that Dana Perkins has been chosen to do the boundary survey of the property which was a pre-condition from DCAMM.

Economic Development Committee

Mrs. McKnight stated that EDC will soon be putting out an RFP for a brokerage firm to do a marketing study.

Grant Projects

MDI – October 7th

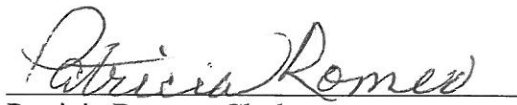
Master Training Plan – October 14th

Public Workshop for Street Improvement – October 15th

Corridor Study – October 22nd

Adjournment at 8:30PM

Respectfully submitted,



Patricia Romeo, Clerk